

In Patent Application Serial No. 09/944,684
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DECLARATION OF BURTON L. LEVIN

I, Burton Levin, hereby declare as follows:

1. My residence address is 3088 Rosemary Lane, Lake Oswego, OR 97034.

2. Since March 31, 1999 I have been employed by Sharp Laboratories of America (SLA), Inc., 5700 N.W. Pacific Rim Boulevard, Camas, Washington 98607.

From March 31, 1998 to March 30, 1999, I was a contractor, working for Sharp Laboratories as a Program Manager. My title is Senior Program Manager. My responsibilities include development of firmware and software related to image processing, including printer drivers, color imaging, scanner and copier firmware.

3. My educational background includes a BS, Mathematics and Physics, University of Illinois, and a Master of Science/Computer Science from West Coast University.

4. Prior to my employment with SLA, I worked at Atlas Telecom where I was Director of Engineering. Prior to working at Atlas Telecom, I was Vice President of Engineering at Interconnectix, Portland Oregon. My background includes the design and development of complex hardware, firmware, and software products. I have several patents for inventions in VLSI design, memory architecture, and software in a diversity of applications spanning the last 24 years. I have further developed IP in areas such as divers for image handling and software/hardware appliances to help the visually handicapped in their home and business environments.

5. I have read the claims and relevant portions of the specification for the patent application at issue, Serial No. 09/944,684, entitled "System and Method for Using

a Profile to Encrypt Documents in a Digital Scanner”, invented by Guy Eden. I have also read the Office Action of January 11, 2006, where the Applicant’s claims have been rejected as obvious. I have read the relevant sections from the three cited prior art references: Mazzagatte et al., Kocher, and Weschler.

5. It is my opinion as a person of skill in the field of scanning and printing imaging device driver software, that the three prior art references do not make the Applicant’s claims obvious. There are key features in the Applicant’s independent claims (claims 1, 13, and 14), which are not particularly described in any of the prior art references. Further, there is no discussion in the prior art references to lead an expert such as myself to think of these unspecified limitations. In fact, there is no discussion in these references to lead an expert to think that the Applicant’s limitations might even be desirable.

6. Mazzagatte et al. describes a process where a sending node (i.e., a computer) sends a document using a secure transmission protocol such as SSL with “unique identification information”. On the receive side, the printer knows that documents sent using SSL require secure handling. “... the print node does not ordinarily require a special driver to read header information that would otherwise be required in order for the print node to determine whether the print job is intended to be confidential. Rather, the print job is identified as confidential by the print node merely by the transmission protocol that the print data is received on.” (column 9, lines 1-7). Then, the printer encrypts and stores the received document. Thus, the key feature of the Mazzagatte et al. system seems to be that a printer can be made to securely handle documents without the requirement of driver header information. Further, Mazzagatte et

al. is specific to assuring that printing will take place only when an authorized user is physically present at the printing site. The invention of Mazzagatte et al. specifically limits the user to choices of security and encryption available when either transmitting the document for printing, or encrypting at the print node itself for purposes of holding the document until released by the requestor.

I believe that there are several inaccuracies in the characterization of the Mazzagatte et al. device, as expressed on page 3 of the Office Action. One of the key misunderstandings is the statement the "Mazzagatte select(s) a profile having an encryption field...." Clearly, the key intent of the Mazzagatte et al. invention is to handle documents without the use of software overhead information (such as a profile), as mentioned in the previous paragraph.

7. The Kocher invention does not appear to discuss the secure transport of digital documents, or any aspects of document encryption/decryption. Rather, Kocher describes a fax device that adds a timestamp to received documents. The Kocher invention is specific to verifying the existence of a document at a specific time. The invention further requires modification of the document, i.e., adding a time stamp, bar code, or other additional information. It does not address protecting the document from unauthorized readers. It does not protect the document from techniques commonly used to steal documents on various networks, e.g., an internal LAN or the Internet.

8. The Weschler invention is an architecture that addresses the problem of duplicate data structures in directories that do not ordinary interact with each other. Weschler's solution is to create linkages between data elements in different directories. I note that the Office Action (page 8) attempts to create some sort of correlation between

the Applicant's term "profile" and Weschler's use of the word "profile". Weschler clearly defines the term profile (column 8) as a collection of attributes related to an "EntityProfile" that represents an entity such as a user. Thus, while Weschler defines profile as subject matter, the Applicant defines profile as a "computer text file". The profile, as defined in Weschler, clearly is a referencing technique to locate the single physical instantiation of the information. It provides each node with a method to cross-reference the physical location and all separate and distinct nodes, which also access that information. Weschler is only concerned with maintaining a single copy of the data in order to avoid duplications of information that would be hard to keep current over time and distance. It does not deal with data security. Weschler uses a definition of the word "profile" that is separate and distinct from the Applicant's use of the term.

9. When initially presented with the three prior art references, I could not find any linkage between the references, or any connection between the references and the Applicant's invention. I see no way in which a printer, which is able to treat a document securely as a result of identifying the transmission protocol, can be combined with a time stamping fax machine, and an architecture that creates linkages with data objects in different directories. I do not see how this amalgamation of disjointed technologies can suggest the Applicant's use of a profile with address and encryption fields.

On further thought I recognized that the prior art references were not being combined as a result of related or suggestive technologies, but rather for the literal use of certain words. Kocher seems to be combined with Mazzagatte simply to add the word "fax", while Weschler is combined simply to add the word "profile". As I pointed out

above in Section 8, Weschler's use of the word profile is completely different than the Applicant's use.

10. In summary, even if Mazzagatte's printer included the functionality of a time stamping fax, and an architecture for linking data objects, this combination of inventions does not describe a digital scanner that handles documents using a profile, where the profile includes a field for directing the encryption to be used, and a field that includes a destination to which the encrypted document is to sent. These are features that are described in the Applicant's independent claims 1, 13, and 14. Since the prior art references do not suggest the features described in the Applicant's independent claims, it is my opinion that these independent claims can not be seen as obvious in light of the prior art.

11. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United State Code and that such willful, false statements may jeopardize the validity of the application on any patent issuing thereon.

Date: 17 March 2006

Signed: Burton (Budd) Levin
Burton (Budd) Levin